19 40

Department of Revenue

OFFICE Board of Revenue

STATION Madras

No. 1325

1325

Dated 12 6 40

67
E 88
99

Xh
17/5

Issue to Day
B

x ages in the file

(SUBJECT.)

Alienation - land - Kannara Mangal
in Kasaragod taluk - Sreekrishna Vg re 35 of 12
Municipal council Mangalore - Trenching
and dumping ground - permission to lease for
cultivation of pine apples handed over. Connd

E 0527

Government of Madras.

Local Administration Department.
Memorandum No. 33667-1-A.2., dated the 19th October 1939.

Read: From the Commissioner, Mangalore Municipality, No.1486/39, dated the 4th October 1939.

.....

Trees-- Mangalore Municipality - Lease of pine apple farm.

SOUTH KANARA
COLLECTOR'S OFFICE.
24 OCT 1939
No. 7293

Referred to the Collector of South Kanara for remarks.

V.Narasimhachariar,
Assistant Secretary.

To the Collector of South Kanara (with encl. in original to be returned with reply).

Forwarded/By Order.

20.X.39

Superintendent.

D.Dis. 7338-39-B3. E68225

outh Kanara Collector's Office,
angalore, dated 27 - 10 - 1939.

From

A. C. Woodhouse, Esquire, C.I.E.,
Collector of South Kanara.

To

ecretary to Government,
Local Administration Department,
Madras.

Through

The Board of Revenue,
and Revenue & Settlement
Madras.

Sir,

Alienation - land - Mangalore Taluk & Town - Derebail village - S.No. 25 and 126 - Trenching ground - Municipal Council, Mangalore - lease of.

Government Memo No. 33667-1-A2 dated 19-10-39.

The proposal of the Municipal Council, Mangalore to lease out the pine apple farm raised in the alienated land was negatived by my predecessor, as Government Memo No. 1062-F36-3 dated 11-5-36 (Revenue Department) and B.P. Mis. 1702-19-5-36 contemplated the cultivation of the farm by the Municipality itself.

2. The alienation of the trenching grounds were sanctioned in G.O.No. 430 Rev. dated 16-2-1915 (B.P.No.666 Mis. dated 5-3-1915) and B.P. 2548 dated 12-8-31 and the conditions of the alienation were subsequently relaxed in the orders quoted in para 1 above. These conditions may be further relaxed and the lease of the pine apple farm by the Municipal Council may be permitted. But I am of the opinion that the lease amount should be credited to the Government. I also think that the lease should be disposed of in auction.

3. The enclosures received with the Government Memo cited above and this office D.Dis.3305-39 dated 12-8-39 are enclosed.

For Collector.

31.X.39

Ref. 7184-39-B3.

OFFICE OF THE BOARD OF REVENUE
1-NOV 1939
MADRAS

South Kanara Collector's Office,
Mangalore, dated 28 -10 - 1939.

From

A. C. Woodhouse, Esquire, C.I.E.,
Collector of South Kanara.

To

The Secretary to Government,
Revenue Department,
M a d r a s.

Through

The Secretary to the Board,
Land Revenue and Settlement,
M a d r a s.

Sir,

Leases - alienated land - Mangalore Taluk - Derebail village -S.Nos. 25 and 126 - Trenching ground - Municipal Council, Mangalore - permission to lease out - proposal - report.

S.Nos. 25 and 126 of Derebail village, Mangalore Taluk were alienated in favour of the Municipal Council, Mangalore the for purpose of a trenching ground in G.O.No. 430 Rev. dated 16-2-15 and B.P. Mis. 2548 dated 12-8-31. In Government Memo No. 1602-F-36-3 dated 11-5-36 and B.P.Mis. 1702 dated 19-5-36 the Municipality was permitted to raise pineapple cultivation on portions of the alienated land. The proposal of the Municipality to lease out the pineapple farm has been recommended by me subject to certain condition in my D.Dis. 7338-39-B3 dated 27-10-39 in reply to Government Memo No. 33667-1-A2 dated 19-10-39.

2. This is another proposal of the Municipality lease out portions of the land marked A, (4 acres in exten

in the sketch (enclosed) in convenient blocks to the Muni cipal employees and also to outsiders for growing grass - and hemp. This is stated to be an experimental measure and no rent is proposed to be levied for one year. It is explained by the Municipal Council that growing of gra or hemp is part of the process of trenching and a legitimate use of the ground not amounting to a breach of conditions of the grant. The Commissioner, Mangalore --- Municipality states that the Municipality cannot, itself -- undertake the experiment as the expenditure involved is prohibitive and more than the expected income.

3. The permission sought for by the Municipal Council Mangalore may be granted, but I am of opinion that the ---- lease should be disposed of in auction and the lease amount, if any, should be credited to Government.

4. The records of this office D.Dis. 2000-39, dated -- (N) 26th August 1939 and the further requisition of the Muni- pp-15-1 cipality (pages 1-4 current file) are enclosed.

For Collector.

30-X-39

Copy of letter from the Commissioner, Mangalore Municipality Mangalore, Ref.C.No. 1486/A.4/39 dated 4th October 1939.-

Municipal Trenching ground - Lease of Pine apple Farm for 3 years - Permission requested.

In their Memo No. 1602-F.36-3 dated 11-5-1936, Govern-ment have permitted the Council to use a portion of the Municipal Trenching ground at Derebail (S.No. 25 and 126 of Derebail Village, Mangalore taluk, South Kanara District) as a farm for cultivation of pine appåes. The Municipal Council in its -- Resolution No.66 dated 27-3-1939 has resolved to lease out the farm for a period of 3 years from 1-4-1939 as nobody comes forward to take the pine apple farm on lease for one year.

The Collector of South Kanara, who was requested to accord sanction has in its proceedings D.Dis. 3305-39 dated 12-8-1939 refused to grant permission.

The Municipal Council in its Resolution No.72 dated 11-9-1939 resolved to address Government in the matter.

In the circumstances I request Government may be pleased to grant special permission to lease the pine apple farm for period of 3 years. A copy of the Council Resolution is enclosed

Extract from the proceedings of the Mangalore Municipal Council, dated the 11th September 1939.

-

x x x

72. Read proceedings of the Collector of South Kanara, D.Dis. 3305/39 dated 12.8.1939 refusing to grant permission for leasing out the pine apple farm in the alienated lands in S.Nos. 25 and 126 of Derebail village.

Government to be addressed in the matter.

x x x

Sd/ B. Venkatrao Saliga,
Chairman, ..C.

Copy of letter from the Commissioner, Mangalore Municipality Mangalore, Ref.C. 7998-D3/39 dated 14th October 1939.-

-

Leases - Mangalore Taluk - Derebail village - S.Nos.25 and 126 - Use of the land for growing grass or hemp - Permission requested.

Refce.- Your D.Dis. 2883/39 dated the 26th August 1939.

-

Your above proceedings was placed before the Council in its meeting held on 25th September 1939, and a copy of the Council's resolution is enclosed.

On your suggestion as to why the Municipality itself cannot cultivate the lands instead of leasing them out it is felt that the expenditure to be incurred for cultivating the land by the Municipality would be prohibitive and more than what the -- Municipality could expect from the produce.

I therefore request that you will please address Government to grant permission for leasing about 4 acres of land as shown in the sketch forwarded to the Tahsildar along with this office N.Ref.C.No. 7998/D3/38 dated the 18th July 1939 for growing grass or hemp.

It is proposed to divide the said plot as suggested by the Sanitation Committee of the Council, into convenient plots and leaae them out to such of the Municipal employees as are willing to take up the plots and also to outsiders for growing grass or hemp for one year as an experimental measure without payment of any rent. As growing grass or hemp is a part of the process of trenching and is a legitimate use of the ground you will please recommend to Government to grant permission for the said purpose.

Extract from the proceedings of the Mangalor Municipal -- Council, dated the 25th September 1939.

x

50. Read Collector's proceedings D.Dis. 2883/39, dated the 26th August 1939 refusing permission for the council's proposal to lease out the lands No. 25 and 126 in Derebail Trenching ground to outsiders for growing grass or hemp as it will be a breach of the conditions of alienation of the land and requesting to be informed before addressing Government in the matter why the council itself cannot cultivate the lands instead of leasing them out.

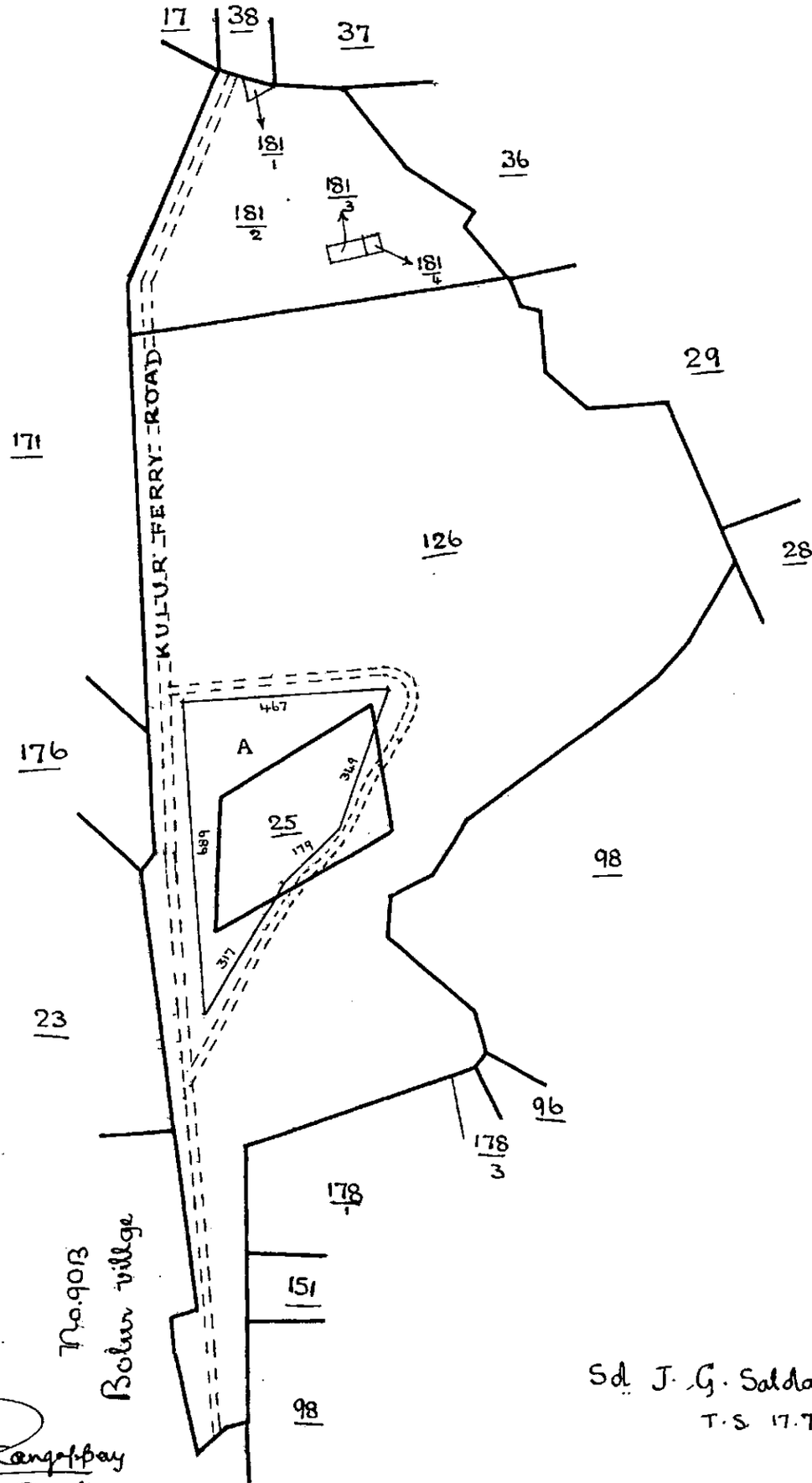
The Collector will be informed that it is not practicable for the counsil itself to cultivate the lands T.S.Nos. 25 and 126 of Derebail village as cultivated land will have to be fenced and watched and the costs to the Municipality will be more than what the Municipality will get from the produce.

x

/ B. Venkatarao Baliga,
Chairman, L.C.

25/19 4/3

South Kanara District
Mangalore Taluk
No. 88 Derebail village
Field nos 126. 181 & 25.
Extent of the plot is 4 acs.
Scale 1 inch = 5 chains.



Copied by
[illegible]
Draftsman

Sd. J. G. Saldanch.
T.S. 17.7.39

T.M.

From

The Asst., Bangalore
E Lakes

To Senior Asst.
Dy/M. R.O., Bellary

Please send urgently
BP. No 666 Nos, dt 5-3-15 and
the connected papers immediately
reference in E. No. 6893/BP

Sd T.M.
15/3/15

Sd
15/3/15

2079 **CALL FOR RECORDS.**

MADRAS RECORD OFFICE.

193 9

Hours 4 Minutes 15

Urgent

~~Special~~

15/11

Board of Revenue "E"

Records called for C. No. E. 6823 of 193 9

Department.	Number.	Date.	Subject.
B.P.	666	M/s 5-3-15	4 ors Comm'd

Telephone Clerk's Initial

V. E.

Endorsement No. 12079-IV/ dated 16. 11. 1939

Furnished. Please acknowledge receipt.

16.11.39

To The Supdt
E Section
Board of Rev

Received.

Senior Assistant Examiner

16. 11. 1939

27 19

...ress Room Office.

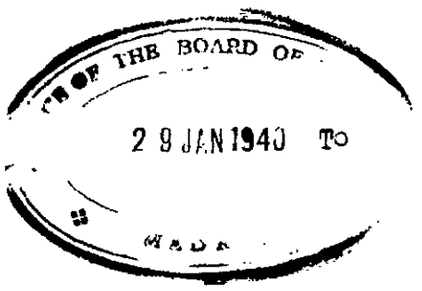
...o. of the list.	...ate of issue of the record.	...o. and title or description.	...o. and date of the current for which required.	...o. when sent.
354 / 1079	16-11-39	1-8-2 3711 Imp 5105-1710	Com. E. 6823/39	Supp. E. Bd 4 Dec.
		1-8-2 Imp 4105-1710		
		666 Imp 5 3-1715	Secretary Home Office 16-11-39	

OFFICE OF THE BOARD OF TRADE
20 NOV 1939
REGISTRY

E651

Ref.B3-7184-39. South Kanara Collector's Office,
Camp: Udipi, dated 24- 1 -1940.

From



A. C. Woodhouse, Esquire, C.I.E.,
Collector of South Kanara.

To

The Secretary to Government,
Revenue Department,
Madras.

Through

The Secretary to the Board of Revenue
Land Revenue and Settlement,
Madras.

Sir,

Leases - Alienated land - Mangalore Taluk - Derebail village - S.Nos. 25 and 126 -trenching ground- Municipal Council, Mangalore - permission to lease out - proposal -orders solicited.

Ref: This office Ref. 7184-39-B3 dated 28-10-39.

I would invite attention to my reference cited above and request early orders.

For Collector.

25.1.40.

(S.V.R.) 6

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	24/2/39	
When copied ..	24/2	
When examined..	2-3	
When signed ..		
When despatched.	2 MAR 1940	

SUBJECT :— Alienation - Land - (Sind Kanara) Mangalore Taluk and Town - Derebail village - S.No. 25 & 124 Levelling ground - Municipal Council, Mangalore - Report - submitted.

READ AGAIN ....., dated ..... 19.....

" " ..... " ..... 19.....

READ *ALSO* :—

G.E. No. 6823/38 From the Collr. of S. Kanara No. 7338/38/S3 dated 27-10 19 38

G.E. " 6794/38 " " do - Ref. No. 7184/38/S3 28-10 19 38

" ..... " ..... " ..... " ..... 19.....

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. ....., ~~dated~~ Refee No. G.E. 6794/38-1, 29-2-19 40.

Submitted to the Government.

2. The Board submitted under the orders in Sat. Memo No. 602-F/36-3 Rev, dt 11-5-36, the temporary cultivation of ground and similar crops (which may be taken to include grass & the fodder) which will not interfere with the ultimate use of the land for dumping purposes, should not be construed as a breach of the conditions of alienation. What the Municipal Council now wishes to do, is to arrange for the cultivation ahead 3 years at a time & not

G.E. 6794/38. Refee No. 7184/38/S3 dt 15.3.39 [illegible]

p. 13 cf ©

without
ahead
~~newly~~ 1 year ~~a lease~~ as contemplated
in the Sat. Memo referred to above
and to lease out the land for such
cultivation to a contractor
The Board recommends that
both these requests may be
permitted provided the Municipal
Council pays the assessment
on the land leased out, at Rs. 2/- p
acre and the proposed cultivation
is notified to the Govt. and his
permission obtained as ordered
before The Board does not consider
~~necessary~~ that the imposition of addl
conditions for the fencing of plots
and thoroughway use is necessary

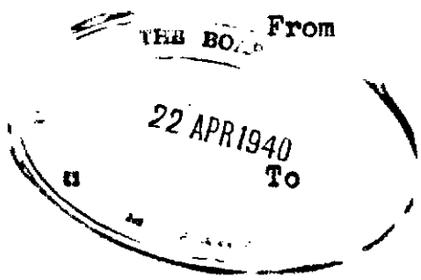
by
[illegible]
26-2-40

[illegible]
28/2

£ 2415 (A 1700) 6734

Ref. B3. 7184/1939.

South Kanara Collector's Office,
Mangalore, dated 16.4.1940.



From

Sri Rao Bahadur V. Ponnuswami Pillai,
Collector of South Kanara.

To

The Secretary to Government,
Revenue Department.

Thro'

The Secretary to the Board,
Land Revenue & Irrigation,
M a d r a s.

Sir,

Leases - Alienated land - Mangalore Taluk - Derebail village - S.Nos. 25 and 126 - Trenchi ground - Municipal Council, Manglore - Permission to lease out - Proposal - Orders solicited.

Ref:- This office Ref. 7184-39-B3 dated 28.10.1939.

******

I invite attention to my reference cited above and request early orders.

For Collector.

19.4.40

-4 MAY 1940

E 2602

Received.....1940. Registered.....1940.

Abstract

Land - (South Kanara) - Mangalore Taluk and Town - Derebail village - S.Nos.25 and 126 - Alienated to the Municipal Council, Mangalore - Trenching and dumping grounds - Permission to lease for cultivation - Granted. G.O. commund.

Revenue Department

G.O.No.Ms.1095, Dated the 30th April, 1940.

Read the following:--

G.O.No.Ms.430 Revenue, dated 16th February, 1915

From the Commissioner, Mangalore Municipality, Ref.C.No.1486/A4/39, dated 4th October, 1939.

To the Collector of South Kanara, Memorandum No.33667-1 A2.L.A., dated 19th October, 1939.

From the Board of Revenue, Ref.E.No.6794/39-1, dated 29th February, 1940.

O R D E R.

The Government accept the recommendation of the Board of Revenue and permit the Municipal Council, Mangalore to lease out temporarily—

(i) the pine apple farm raised in a portion of the land alienated to it in G.O.No.430 Revenue dated 16th February, 1915 and B.P.No.2548 dated 12th August, 1931 and

(ii) portions of the same land 4 acres in extent marked A in the sketch submitted by the Board with its reference read above for growing grass and hemp.

The Municipal Council should pay the assessment on the land leased out at Rs.2/-(Rupees two only) per acre and the extent and nature of the cultivation should be notified to the Collector of the district and his permission obtained as ordered in Memorandum No.1602 F/36-3 Revenue dated 11th May, 1936.

(By Order of His Excellency the Governor)

B.G.Holdsworth,
Secretary to Government.

To the Board of Revenue (with records returned)
Local Administration Department
Commissioner, Mangalore Municipality through the Chairman.

(True Copy)

Forwarded
(By Order)

Superintendent.

Revenue Department

Dated the 30th April, 1940.

Read the following:--

From the Commissioner, Bangalore Municipality, Ref.C.No.1468/
No.A/39, dated 4th October, 1939.

To the Collector of South Kanara, Memorandum No.33667-I A/I...
dated 19th October, 1939.

From the Board of Revenue, Ref.F. No.8194/39-1, dated 29th
February, 1940.

Abstract

Land - (South Kanara) - Mangalore Trunk and Town - Periphery
village - S.No.s.55 and 126 - Alienated to the municipal Counc
Mangalore - Trenching and dimarcation grounds - Permission to lease
for cultivation - Granted.

Papers put up in this file:

(1) Rt. 5828, dt 19-12-38 (T)

(2) Mis. 1412, dt 23-5-38 (R)

(3) Collr's Dis. 2883/38 dt 26-8-38 (N)

(4) Collr's Dis. 3305/38 dt 12-8-38 (G)

(5) Mis. 1702, dt 19-5-36 (S)

(6) Mis. 2548, dt 12-8-31 (Z)

(7) Mis. 666, dt 5.3.15 (A)

Alienation- Land- (South Kanara) - Mangalore taluk and town - Derebail village - S. Nos 25 and 126 - Dereliq ground - Municipal Council, Mangalore - Lease - Proposal.

1-10 cf | E. 6823/38 - [Amalie Coll. of S. Kanara, Dis 7338/38/B3. of 27-10-38]

pp. 11-21 cf | E. 6784/38 - [Ref. 7184/38/B3, of 28-10-38]

To A.S.

Sketch at p. 19 cf.

19 cf (A) | In their order No. 430 Rev., of 16-2-15, the Govt. sanctioned alienating an extent of 52-15 acres of land in Derebail village, Mangalore taluk, in favour of the Municipal Council, Mangalore, for a Dereliq-

p. 17 cf (2) | -uig ground. Again in S.P. No. 2548, of 12-8-31, a further extent of 2-50 acres in S.No. 25 in the same village, was ~~sanctioned~~ alienated for a dumping ground. The Govt.

p 13 cf (3) | permitted the use of the land for the cultivation of fruits or other similar crops provided the previous permission of the Collr. every year in advance in February was obtained and that the Municipal Council should pays assessment at Rs. 2/- per acre in respect of lands exceeding 20 cents

in extent. Every year the Municipal Co
has been raising fine apple cultivation a
factor "in land" values. Persons of the
Municipality applied to the Collr in May 193
for permission to lease out the land to
cultivate pine apple farm for three years
from 1-4-39, the Collr refused it. The
permission to lease out the land to cultiva
for growing grass or hemp was also refused
by the Collr. for the reason that it would b
a breach of the conditions of alienation.

2. The Municipal Council has
now addressed the G.A.I for special permi
to lease out the pine apple farm for a per
of 3 years. The G.A.I referred the matter to
Collr for remarks. The Collr has submi
his report through the Board. The Board
The Collr. has also sub. an addl report
points dealt with in the file. They are (1)
lease of pine apple farm and (2) lease of
portions of land for growing grass or hemp

leasing out lands, it would not be a public purpose and alienation would not, therefore, be appropriate and recommended by Govt. accordingly. In the present case, however, the Govt. have permitted the use of the land for the cultivation of fruits & other similar crops including the harvest assessment at Rs. 21- per acre in respect of cultivated portion exceeding 20 cents in extent. subject to certain conditions. The Coll. recommends that the proposal of the municipal Council to lease out the pine apple farm subject to the conditions that the lease should be disposed of in auction and that the lease amount should be credited to the Govt. the Coll's proposal may be recommended to the Govt.

(3)

As the proposal is for lease, the Coll's recommendation that the lease amount should be credited to the Govt., may be accepted and it

Point (2) :- The Municipal Council proposes to lease about 4 acres of land in S.No. 258/1A to such of the municipal employees as are willing to take up the plots and also to outsiders, for growing grass or kumpi for one year as an experimental measure without payment of any rent. It is reported that growing of grass or kumpi is part of the process of trenching and a legitimate use of the ground, not amounting to a breach of the conditions of the grant. It is not clear how this can be so. The Coll. however, recommended the permission sought for by the Municipal Council, may be granted subject to the same

Conditions as in respect of Point (1) above.

In a case relating to Land Tenure a plot of land was allocated by the D. Board with provision for leasing, transferring or mortgaging the D. Bd leased out the land for grazing and many ~~had~~ derived income. The Board complained that the provision referred to above, did not prohibit the licensing of the land for incidental purposes such as grazing and the Board could not be deemed to have violated the condition. The Bd. agreed with the Board though there is no such provision in the present case: the Bd have already granted the use of the land for cultivation purposes. The both recommendations may therefore be accepted and a recommendation may be made to the Bd. accordingly.

WP-HP 1.8-20 (R)

as - widely - to allow grazing - but not to include

such violence be harmful of the land, owner owe under "right such burden" or "deserip." which are the purpose of clearance. The S.O. authorises yearly cultivation of not biennial case. The Municipality has not stated any sound reason to justify its claim to the lease amount.

p. 19 (A)
p. 17 (2)
13 c. of (5)

In these circumstances the Govt's recommendation that the entire lease amount may be credited & the Suit may be dismissed.

p 7 c. 6.

B at p. 3 n. 6. C & D at p. 4 n. 6. may be referred

(M)
14.2.

lease out the land to outriders for a period
for grazing fruit & for growing fodder for growing grass ten
of 3 years. If this proposal be approved the lessee
or grass
should provide fruit-bearing trees
21.2.40

The land was originally
alienated for the purposes of a bunching
ground and dumping ground. Subsequent
cultivation of fruits was permitted by the Sanitary
subject to the annual payment of assessment
at Rs.2/- per acre in respect of cultivated
portions exceeding 20 cents in extent. The
present proposal is for leasing out the land
to outriders, a purpose foreign to that for
which the land was alienated. It was suggested
that the entire lease amount should be
credited to the Sanitary. The Municipal Health
Officer considers that growing of grass or
hemp is a part of the process of retting
and a legitimate use of the ground, not
amounting to a breach of the conditions
of grant. It is also proposed to lease out
the land for growing grass or hemp for one
year as an experimental measure,
without payment of any rent. If it is
considered that the payment of assessment
at Rs.2/- per acre, should be waived in the
circumstances, a recommendation to this
effect may be made to the Sanitary. Drawers.

Yours obediently
Torchboro

It was suggested that the

lease amount may be added to
the Fare, so that the Plaintiff
may not receive benefit by
partaking the load to use other
than might such bailment
agreement had for 3.7.

---- Tell the Court what
happens if s 13 (5),
the continuation of Part II
Cost (Civil Proceedings) Act
without prejudice with the
of the case,
Should the Court
a breach of the Conditions of
that the Claimant
to do is to arrange for
Continuation 3 years after
Attorney 1 year after
the Continuation Act s 13
to lease and the hand for
Continuation to a Continuation
Jay the Immediate Provisions

Council pays the Assessment on the Flats at No 2 for area & the proposed alterations & subject to Church & the Commissioners Names, any

ordered before

Drains down & Consider the Application yesterday Final Conditions for the form of Petition & temporary use necessary

SECY.
23 FEB 1940

SR
23.2.40

Dr 10'

Argyll

Lo AS.

draft submd.

CB
28/2

26.2.40

Bx £2602/40 £80. 1095-Rw 0 30.4.40

Draft submitted at p 35-y

18/5/40.

CB/16/5.

Vis 1325
17.540

~~Full Board.~~ Single member

I.A.	A.D.S. and L.R.	Assistant Secretary			Jt. Secy.	Secy.	M-4	M-5	M-2	M-1
		Land Rev.	Settle-ment.	Sep Rev.					✓	

1. Open file seen by ;
2. Final draft seen by
3. Now circulated to
4. Initials.

Passed for record.

Secretary.
Joint Secretary.

~~A.S. (C.W.).~~ 646

A.S. (L.R.). 1895.7

~~A.S. (Sett.)~~ 9.7

A.S. (Excise).

A.D.S. & L.R.

~~I.A~~